

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1, 6, 8, 10, 11, 17, 19 and 21 have been amended. Claims 1, 6, 8, 10, 11, 17, 19 and 21 are pending for further examination.

Claims 1, 6, 8, 10, 11, 17, 19 and 21 stand rejected under 35 U.S.C. §102(e) as anticipated by Gever et al. (U.S. Pat. No. 6,329,994). Applicant respectfully submits that Gever fails to teach or suggest all elements of the claimed combinations.

For example, claim 1 recites, *inter alia*, “a land object image data generator that generates land object image data to display a land object including one of a hollow and a hole, said land object image data containing a jump code.” Claim 11 contains a similar recitation, and claims 6, 17, and 19 recite a “wall” in place of a “hollow and a hole.”

According to the Office Action, Gever teaches “a land object data generator that generates land object image data to display a land object” when Gever teaches furniture objects 162, 164. Applicant notes that nothing in the cited portion of Gever (5:8-25) or any other portion of Gever teaches that these furniture objects or other Smart Objects include one of a hollow and a hole. Further, nothing in Gever teaches or suggests that the furniture objects or other Smart Objects include a wall, as recited by independent claims 6, 17 and 19.

For at least this reason, Applicant submits that claims 1, 6, 11, 17, and 19 are allowable over Gever. Claims 10 and 21 should be allowable based at least on their dependency from allowable claim 1.

Further, Gever does not teach or suggest that the Smart Objects contain “jump” codes (as in claims 1 and 11), “climb” codes (as in claims 6 and 17), and/or “camera switch” codes (as in claims 8 and 19).

The Office Action alleges that “jump” corresponding to a hole and “climb” corresponding to a wall are inherent codes that a programmer would include in those objects. But, “to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' ” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Gever fails to teach or suggest that no option other than to jump an encountered hole or climb an encountered wall would be available. For example, even if both objects contained codes that caused an external effect, the codes could both be “turn around” or “go another way” codes. Since Gever appears to strive to emulate human life, this would be both the more logical included code (few people in real life hurdle holes and scale walls when encountering them, as opposed to circumventing such obstacles). At a minimum, turning around or avoiding the obstacle would at least be a possibility in Gever. Since jumping a hole and

climbing a wall are not the only possible codes, it cannot be said that such codes are inherently taught.

Further, Applicant notes that nothing in the rejection even asserts that an automatic camera switching code embedded in an object is taught, inherently or otherwise.

Finally, Applicant notes that Gever teaches that Smart Objects can contain sub-objects that define their (the Smart Object containing the sub-object) response to sensitivity conditions that may arise external to themselves. (5:8-25). This portion of Gever teaches that the code in the object defines how that object reacts to external factors, not how external factors react to that object. When Gever teaches that “such sub-objects may specify an interaction or response of one Smart Object to another Smart Object,” (5:11-12), Gever appears to be teaching that the sub-object of an Object A specifies the response of Object A to an Object B, and vice versa.

Thus, under this teaching, even if an object of Gever were to jump a hole, it would be because the jumping object, not the hole, contained a code that caused the object to hurdle the hole.

While Gever does note that it would be possible to use external scripts to modify the behavior of Smart Objects (15:45-47), Gever does not teach or suggest that such external scripts would be embedded in other encountered objects.

For at least these additional reasons, Applicant submits that claims 1, 6, 8, 11, 17, and 19 are allowable over the prior art of record. Claims 10 and 21 should be allowable based at least on their dependency from allowable claim 1.

Claims 1, 6, 8, 10, 11, 17, 19 and 21 also stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Naka et. al. (US. Pat. No. 5,963,281) in view of Sasaki (U.S. Pat. No. 5,577,960).

Applicant respectfully submits that Naka and Sasaki, alone and in combination, fail to teach or suggest allowing a character to automatically jump, climb, and/or switch camera angles as recited by the independent claims. With respect to claim 1, the Office Action alleges that the problem of jumping over holes is a notoriously well-known limitation in the video gaming industry. To further this assertion, the Office Action cites auto-play and demo modes. It appears the Examiner is relying on another inherency argument here, since no art pertaining to auto-play or demo modes is presented, the Examiner must be arguing that such known modes inherently teach auto-jumping/climbing/camera-switching based on a code embedded in an encountered object.

Applicant submits that this is not the case. The demo/auto-play could be a prerecorded demonstration, there could be pre-programmed code that runs the demo and auto-play, and/or the characters themselves could contain "instructions" such as "climb when you reach a wall" or "jump when encountering a hole." There is no presented teaching that would require that the hole or wall itself contains a code that causes the character to have a reaction to the object. Thus, such a teaching is not inherent in the

known demo modes. Further, one of skill in the art would recognize that such “automatic” movement, even if existent, was appropriate for when a player was not playing a game, not for use when a game was in play, as is the situation taught in Naka.

Naka’s teaching of teleporting characters when a teleport object is encountered does not teach or suggest that a character would automatically climb a wall or jump a hole. In fact, Naka explicitly teaches that jumping is a skill that should be left in the game because it adds a degree of difficulty “Jumping on to and off of the platform requires skill.” (19:7-9).

Sasaka was introduced to make up for different admitted deficiencies of Naka. Naka and Sasaka, alone or in combination, fail to teach or suggest at least the above noted combination of features.

For at least these reasons, Applicant submits that claims 1, 6, 8, 11, 17, and 19 are allowable over the prior art of record. Claims 10 and 21 should be allowable based at least on their dependency from allowable claim 1.

For at least the above reasons, Applicant believes that the claimed invention is not obvious in view of the cited prior art. Applicant further believes that all of the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejection and passage of this case to issuance at an early date are earnestly solicited.

MIYAMOTO et al.
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Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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